

FILED

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

JUN 21 2005

MIDDLE

DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

NICKCOLE WOODY

CASE NUMBER:

3:05 mj 77-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 18, 2003 in Chambers county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

make a false or fictitious oral or written statement likely to deceive a firearms dealer and did make a false or fictitious oral or written statement to a person licensed under Chapter 44 of the United States Code,

in violation of Title 18 United States Code, Section(s) 922(a)(6) and 924(A)(1)(a).

I further state that I am a(n) Special Agent/BATFE and that this complaint is based on the following facts:
Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

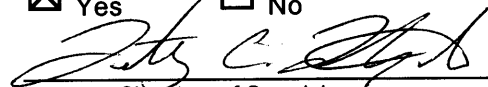
Continued on the attached sheet and made a part hereof:



Yes



No



Signature of Complainant

Sworn to before me and subscribed in my presence,

June 21, 2005

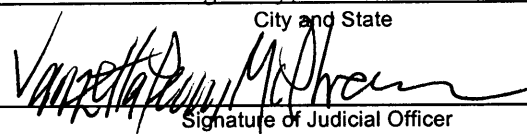
at

Montgomery, Alabama

Date

City and State

VANZETTA PENN MCPHERSON
United States Magistrate Judge



Signature of Judicial Officer

Name & Title of Judicial Officer

AFFIDAVIT

I, the undersigned affiant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. My name is Timothy C. Fitzpatrick. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am presently assigned to the Montgomery, Alabama Field Office. The Montgomery Field Office is one of several ATF offices supervised by the Nashville Field Division, which encompasses Alabama and Tennessee. The Montgomery Field Office's area of operation is the Middle Federal Judicial District of Alabama.

In 1992, I graduated from the New Orleans Police Department Academy and served as a police officer until 1997. During my tenure with the New Orleans Police Department, I served as an investigator for approximately three years. In 1997, I graduated from the Louisiana State Police Academy and served as a State Trooper until 2004. During my tenure with the Louisiana State Police, I served as a narcotics investigator for approximately four years. In 2001, I received a Bachelor of Criminal Justice Degree from Loyola University in New Orleans. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program and a graduate of the ATF National Academy. I have been a Special Agent with ATF since August 2004.

On June 20, 2005, I (along with ATF Special Agent Theron Jackson) met with Special Agent Anthony Melchiorri (ATF New York) and Task Force Agent Peter Shanhai (NYPD Detective) both assigned to the NYPD Joint Firearms Task Force. The meeting was in reference to an investigation involving the illegal acquisition of firearms by individuals falsifying information on ATF Forms 4473 prior to purchasing firearms. During the meeting with Agents Melchiorri and Shanhai, this affiant learned that


WOODY provided a tape-recorded admission to the agents stating that she knowingly purchased the firearms on behalf of Laquan Furse, a resident of New York.

On February 12, 2004, Agents Melchiorri and Shanhai conducted and recorded an interview of Nickcole WOODY through a cellular telephone call. WOODY verbally acknowledged the fact that the interview was being recorded. Agent Shanhai questioned WOODY as to the purchase and disposition of two firearms that WOODY had purchased from Pawn City Inc. in Lanett, AL on June 18, 2003. WOODY stated that she was approached by Laquan Furse who she knew from living in the projects in Lanett, AL. According to WOODY's admission, Furse asked WOODY if she was interested in making some easy money by buying handguns for him so he could take them to New York to sell. WOODY knew Furse was from New York and agreed to purchase firearms for him.

WOODY stated the day before she purchased firearms she met with Furse at the Days Inn Motel on Broad Avenue in Lanett. WOODY and Furse along with Laquilla Carlisle and Mike LNU (who WOODY stated was Furse's brother) went to Pawn City (FFL#1-63-35396). Furse showed WOODY the guns he wanted WOODY to purchase and then they left the store. The next day, June 18, 2003, WOODY met with Furse again and Furse provided WOODY with \$500.00 to complete the purchase of the guns. WOODY then went alone to Pawn City, purchased the two guns and brought them back to Furse at the Days Inn Motel. WOODY indeed completed the ATF Forms 4473 and falsely indicated that she was the actual purchaser of the firearms. Furse told WOODY that he was going to bring the firearms to New York and scratch off the serial numbers. Furse told WOODY he would contact her from New York and for her to report the guns stolen. WOODY was then paid \$50.00 for purchasing the firearms for Furse.

On June 20, 2005, Special Agent Jackson completed an interstate nexus analysis of the two guns purchased by WOODY. Based on Special Agent Jackson's research, knowledge and experience as interstate nexus specialist for the Montgomery, AL Field Office, it is his belief that the two firearms in question were manufactured in Ohio. Given the two firearms sale location in Alabama, these firearms have traveled in or affected interstate commerce.

Given the consensually monitored and taped interview with WOODY and Special Agent Jackson's interstate nexus analysis which verified the firearms (purchased by WOODY) have traveled in or affected interstate commerce, I believe that probable cause exists that WOODY'S activities constitute violations of Title 18, United States Code, Sections 922(a)(6) and 924 (A)(1)(a). In light of the foregoing, I respectfully request that an arrest warrant be issued for Nickole WOODY.


Timothy C. Fitzpatrick
Affiant

Sworn to and subscribed before me this 21st day of June, 2005.


UNITED STATES MAGISTRATE JUDGE